

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOHN T. LAMONT and
PRESTON POULTER,

Plaintiffs,

v.

DEAN ASSAF A/K/A DA TALK;
VICTORIA KUNDERT A/K/A
VIKKIVERSE, AND ETHAN VAN
SCIVER,

Defendants.

Civil Action No. 3:21-CV-1176-K

DECLARATION OF SCOTT HOUTTEMAN

I, Scott Houtteman, declare as follows:

1. I am an attorney of record in this lawsuit, and I am knowledgeable about all documents and legal issues pertaining to this opposition.
2. The following exhibits are true and correct copies of the public record.
3. **Exhibit 1** is a true and correct transcription of the relevant portions of the alleged defamatory livestream broadcast April 25, 2021 on the YouTube channel VikkiVerse entitled “ComicsGate Dumping Ground: D-E-Dlive” as well as a true and correct screenshot of the livestream taken at the 16.44 minute mark.
4. **Exhibit 2** is a true and correct copy of Kickstarter’s Corporate Information obtained directly from the public records retrieved from the Delaware Division of Corporations website and a true and correct copy of records obtained from the New York Department of State website (emphasis added).

5. **Exhibit 3** is a true and correct copy of Plaintiff's Kickstarter campaign for "The Demonatrix" comic book.

6. **Exhibit 4** is a true and correct copy of Kickstarter's "Prohibited Items" obtained directly from the Kickstarter website.

7. I declare under penalty of perjury that the foregoing is true and correct and, if sworn as a witness, I could and would testify thereto.

Dated this 4th day of August 2021 at Fairfax City, VA USA.

/Scott Houtteman/
Scott Houtteman

EXHIBIT 1 – Transcription of Relevant Portions of VikkiVerse YouTube livestream

YouTube Channel VikkiVerse, 1 hr. 7.59 min livestream entitled, “ComicsGate Dumping Ground: D-E-Dlive.” (Screen shot below taken at 16:44 min.), originally streamed April 25, 2021.<<https://www.youtube.com/watch?v=PqjGXuJuVcg&t=2793s>> (indicating 757 views when last visited on 8/3/2021)

YouTube Search Powered by StreamYard

Vikki, Queen of SVU

DA Talks

the DEMONATRIX
written and animated by John Lamont #1

16:44 / 1:07:59

ComicsGate Dumping Ground: D-E-DLive

757 views • Streamed live on Apr 25, 2021

45 12 SHARE SAVE ...

VikkiVerse 516 subscribers

SUBSCRIBE

Subscribe to my cohost, DA Talks, and check out our playlists of cohosted content:
-DA Talks
<https://www.youtube.com/c/datalks>
- ComicsGate Dumping Grounds: <https://www.youtube.com/playlist?list...>
- CG Shorts Playlist: <https://www.youtube.com/playlist?list...>
- Getting to Know(LIVE interviews with our favorite comic creators):
<https://www.youtube.com/playlist?list...>
Join DA Talks' discord server
<https://discord.gg/epYdAyh>

The VikkiVerse on Teespring : <https://teespring.com/id/stores/the-v...> (all mug proceeds go directly to support indie comic artist's Patreons)

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Partial transcript of livestream (alleged defamatory statements highlighted).

From 12:53 to 13:03 of the livestream:

Defendant Victoria Kundert: I guess next we'll talk about the TM. . . .

From 16:22 to 16:51:

MR. VAN SCIVER (prerecorded): So COMICSGATE is trademarked and feel free. As long as you abide by the principles and rules, the standards that we all kind of understand COMICSGATE is, there's going to be no problem. If you want to publish child pornography under the COMICSGATE banner, that's gonna be a problem. Or anything like that. And in, in that instance I will come down and exercise my trademark and protect the trademark.

From 30:10 to 30:38 (Mr. Van Sciver joins the livestream in person):

Ms. Kundert: But anyway, TMs. Trademarks, Copyrights.

Mr. Assaf: (crosstalk). . . want to hear your side of things. . . .

MR. VAN SCIVER: Well, I mean you know my side of things, fortunately, I, you know I talk about almost everything pretty openly on my channel. But I mean, you know my side of things is that is that it's pretty demonstrable that COMICSGATE has been used in commerce by me and me alone, up until Preston decided he would try to spite trademark the term.

From 31:12 to 31:31:

MR. VAN SCIVER: And I was told this by another trademark attorney that, you know, look, you know you have been using COMICSGATE in commerce. You have what's known as the common law trademark to the word COMICSGATE. You don't need to register it. I mean, you don't need to register it, it doesn't need to happen. You are, you are the trademark owner."

From 33:26 to 34:11:

MR. VAN SCIVER: Uh, you know I, I don't think anybody is going to be attitudinal about it. I just don't think anybody is going to get very upset and think that I'm, you know, coopting a movement. All of those accusations have already been made and put into play, and they amounted to nothing. So I just, I don't want Preston to make child pornography and put COMICSGATE on the label. You know what I mean?"

Mr. Assaf: "Yea, that was a pretty fuckin' gross move.

MR. VAN SCIVER: Especially right now, you know, at this point one of his pals, Slick Jimmy, outed as an actual, you know, child pornographer, uh pedophile. You know it's like, this, now is not a good time for that bullshit.

From 46:24 to 46:33

MR. VAN SCIVER: In order to have a trademark you do
have to protect it. So I will protect it in that way. I will not
allow it to be put on child pornography by Preston Poulter.

EXHIBIT 2 - Kickstarter Corporate Information (emphasis added)

7/2/2021

Division of Corporations - Filing

Delaware.gov

Governor | General Assembly | Courts | Elected Officials | State Agencies

Department of State: Division of Corporations

[Allowable Characters](#)[HOME](#)[Entity Details](#)**THIS IS NOT A STATEMENT OF GOOD STANDING**

File Number:	4236558	Incorporation Date / Formation Date:	10/17/2006 (mm/dd/yyyy)
Entity Name:	KICKSTARTER, PBC		
Entity Kind:	Corporation	Entity Type:	Benefit Corporation
Residency:	Domestic	State:	DELAWARE

REGISTERED AGENT INFORMATION

Name:	THE CORPORATION TRUST COMPANY		
Address:	CORPORATION TRUST CENTER 1209 ORANGE ST		
City:	WILMINGTON	County:	New Castle
State:	DE	Postal Code:	19801
Phone:	302-658-7581		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like Status Status,Tax & History Information

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7/2/2021

Public Inquiry

July 2, 2021 | 12:29 pm

COVID-19 Updates

The COVID-19 vaccine is here. It is safe, effective and free.
 Walk in to get vaccinated at sites across the state.
 Continue to mask up and stay distant where directed.
[GET THE FACTS](#) >

Department of State

Division of Corporations

Entity Information

[Return to Results](#) [Return to Search](#)

Entity Details

^

ENTITY NAME:	DOS ID:
KICKSTARTER, PBC	3888941
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE:	DURATION DATE/LATEST DATE OF DISSOLUTION:
FOREIGN BUSINESS CORPORATION	
SECTION OF LAW:	ENTITY STATUS:
1304 BCL - BUSINESS CORPORATION LAW	Active
DATE OF INITIAL DOS FILING:	REASON FOR STATUS:
12/15/2009	
EFFECTIVE DATE INITIAL FILING:	INACTIVE DATE:
12/15/2009	
FOREIGN FORMATION DATE:	STATEMENT STATUS:
11/04/2009	CURRENT
COUNTY:	NEXT STATEMENT DUE DATE:
Kings	12/31/2021
JURISDICTION:	NFP CATEGORY:
Delaware, United States	

[ENTITY DISPLAY](#) [NAME HISTORY](#) [FILING HISTORY](#) [MERGER HISTORY](#) [ASSUMED NAME HISTORY](#)

Service of Process Name and Address	
Name: KICKSTARTER, PBC Address: C/O AZIZ HASAN, 58 KENT STREET, BROOKLYN, NY, United States, 11222	
Chief Executive Officer's Name and Address	
Name: AZIZ HASAN Address: 58 KENT STREET, BROOKLYN, NY, United States, 11222	
Principal Executive Office or Owner Name and Address	
Name: Address:	
Registered Agent Name and Address	
Name: C T CORPORATION SYSTEM Address: 28 LIBERTY ST., NEW YORK, NY, 10005	

EXHIBIT 3 – Plaintiffs’ Kickstarter Campaign

The Demonatrix #1 (Canceled)
 Comicsgate™ and Optical Illusion Studios presents: The Demonatrix. A daz 3d adult action adventure comic written by John Lamont.



\$26
 pledged of \$1,500 goal

4
 backers

Funding Canceled
 Funding for this project was canceled by the project creator on Mar 16 2021

Last updated March 16, 2021

[Campaign](#) [FAQ](#) [Updates 1](#) [Comments 0](#)

STORY Story

RISKS Comicsgate™ and Optical Illusion Studios presents: The Demonatrix

Emerald Mae Riley was a typical 17 year old growing up with her overbearing evangelical father. While having a sleepover with her best friend Jasmine, she thought it would be fun to read from an ancient occult book. Instead, she summoned the violent and sex crazed demon Lolita, who took over her body, murdered her father and sent her friend to the hospital. With the police and the heavenly host quick to track her down, Lolita leaves Emerald's body behind to take the rap, and embark on a drug and sex crazed trip throughout a modern metropolis.

The Demonatrix is a Daz3D adult action adventure comic story, featuring 36 beautiful full color pages. Plus, I partnered with two very talented Daz3D artists to produce some variant covers. All backers of \$5.00 or more will receive a Kickstarter Exclusive PDF featuring all six variant covers. As an added bonus, 11x17 virgin metal prints of each cover are available.

Lovely Variant Cover

STORY

This cover was commissioned by a fellow Daz3D artist who wishes to remain anonymous. Artist re-imagined my characters in their own style and provided this lovely rendering.



Lovely Adult Variant Cover

A full nude adult variant cover from fellow Daz3D artist. Bringing their photo-realistic renders to grace your cover.

STORY

RISKS



UnHolyOska Variant Cover

Daz3D artist [UnHolyOska](#), who's unique character styles provides this re-imagining of Emmy Riley reading from her summoning book.

STORY

RISKS



UnHolyOska Seduction Variant Cover

UnHolyOska unique character style features Lolita attempting to seduce Emmy and damn her soul for eternity.

STORY

RISKS



Emanuele Taglietti Inspired Cover

This cover is inspired by the art of Emanuele Taglietti, who was notorious for drawing covers for adult comics in the 1970's. This image is a re-imagining of Cimiteria, #15.



STORY
RISKS

Main Retail Cover:

The main retail cover features Lolita in full demon form staring into your soul with glowing purple eyes.



STORY
RISKS

Interior Pages:

Beautiful covers aside, we all know the interiors are where it's at. Here are some sampling of the interior story pages. All panels were created and rendered in Daz3d using the built in nVidia Iray render engine.



Summoning Spells

STORY

RISKS



A Night at The Club

STORY

RISKS



A Girl Possessed



STORY

[A Sudden Stop](#)

RISKS

[About the Author](#)

John Lamont is a screenwriter and Daz3D artist. John spent several years in Los Angeles working in independent cinema as a screenwriter, producer, and assistant director before moving to Florida. He first entered the comic scene with his Daz3D webcomic series *Blood Feud* currently running on [Deviant Art](#) and [Comic Fury](#).

EXHIBIT 4 – Kickstarter Terms of Service (Emphasis added)

Discover Start a project  Search Log in

Prohibited Items

We prohibit projects that are illegal, heavily regulated, or potentially dangerous for backers, as well as rewards that the creator did not make.

- ✗ Any item claiming to diagnose, cure, treat, or prevent an illness or condition (whether via a device, app, book, nutritional supplement, or other means).
- ✗ Contests, coupons, gambling, and raffles.
- ✗ Energy food and drinks.
- ✗ Offering a genetically modified organism as a reward.
- ✗ Live animals. Projects cannot include live animals as a reward.
- ✗ Offering alcohol as a reward.
- ✗ Offering financial, money-processing, or credit services; financial intermediaries or cash-equivalent instruments; travel services (e.g., vacation packages); phone services (e.g., prepaid phone services, 900 numbers); and business marketing services.
- ✗ Political fundraising.
- ✗ Pornographic material.
- ✗ Projects that promote discrimination, bigotry, or intolerance towards marginalized groups
- ✗ Projects that share things that already exist, or repackage a previously-created product, without adding anything new or aiming to iterate on the idea in any way.
- ✗ Resale. All rewards must have been produced or designed by the project or one of its creators — no reselling things from elsewhere.
- ✗ Drugs, nicotine, tobacco, vaporizers and related paraphernalia.
- ✗ Weapons, replicas of weapons, and weapon accessories.

If your project involves something illegal, heavily regulated, or potentially dangerous for backers and it is **not** on this list, please [contact us](#) before starting your project.

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